

Message Text

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14

ORIGIN PM-04

INFO OCT-01 ARA-06 ISO-00 L-03 H-02 DHA-02 MC-02 ACDA-07

OMB-01 AID-05 IGA-02 EB-07 TRSE-00 SS-15 A-01 SIG-01

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DRAFTED BY PM/SAS:HPRECHT/RS

APPROVED BY ARA - MR. BRAY

PM - MR. ERICSON

L/PM - MR. MICHEL (DRAFT)

ARA/ECA - MR. ZIMMERMAN (DRAFT)

DOD/DSAA - LT.GEN. FISH (DRAFT)

H - MR. BLACK (DRAFT)

D/HA - MR.SPEARS (DRAFT)

----- 122614

R 161655Z NOV 76

FM SECSTATE WASHDC

TO AMEMBASSY MONTEVIDEO

INFO USCINCSO

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C O N F I D E N T I A L STATE 281203

E.O. 11652:GDS

TAGS:MASS, UY, US

SUBJECT: SECURITY ASSISTANCE IN URUGUAY

REFS: (A) STATE 266785; (B) MONTEVIDEO 4139; (C) MONTEVIDEO
4193; (D) USCINCSO 052123Z NOV 76 (NOTAL SECSTATE)

1. WE APPRECIATE DELINEATION OF PROBLEMS AND EXPRESSION OF
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YOUR VIEWS ON APPLICATION OF KOCH AMENDMENT TO ODC FUNCTIONS

IN URUGUAY. THERE WILL CLEARLY BE A NEED TO ELABORATE GUIDELINES THROUGH DAY-TO-DAY OPERATING EXPERIENCE. TO ASSIST IN IMPLEMENTATION OF LEGAL RESTRICTIONS, WE SHALL BE PLEASED TO ANSWER QUESTIONS AND OFFER SUGGESTIONS WITHIN LIMITS OF LEGISLATION.

2. WE BELIEVE LETTER AND SPIRIT OF KOCH AMENDMENT REQUIRE IMPOSITION OF RESTRICTIVE GUIDANCE. MILITARY ASSISTANCE, WHICH INCLUDES ADVISORY SERVICES IS SPECIFICALLY PRECLUDED BY LAW. OUR LETTER TO CONGRESSMAN KOCH, WHICH PERMITS ODC PERFORMANCE OF FUNCTIONS RELATED ONLY TO RESIDUAL USG RESPONSIBILITIES, IS AS FAR AS WE CAN GO IN AUTHORIZING ACTIVITIES FOR YOUR ODC. WE ARE THEREFORE SENDING TEXT TRANSMITTED REF. A TO MR. KOCH.

3. WITH RESPECT TO ODC SERVICES IN CONNECTION WITH A-37 AIRCRAFT, WE BELIEVE THESE MUST BE LIMITED TO ACTIVITIES IN RELATION TO GOU WHICH ARE INHERENT IN OUR POSITION AS SELLER OF THE AIRCRAFT. THAT IS, ODC PERSONNEL CAN PROVIDE GOU WITH ADVICE AND INFORMATION RELATED TO DELIVERY OF AIRCRAFT, ANY OUTSTANDING PAYMENT MATTERS OR OTHER ISSUES BEARING ON SUCCESSFUL COMPLETION OF SALES TRANSACTION. AS THERE IS NOTHING IN SALES AGREEMENT STIPULATING THAT ODC WILL PROVIDE A-37 TRAINING OR TECHNICAL ADVICE, UNIT SHOULD REFRAIN FROM THOSE ACTIVITIES. THEY COULD BE CONSIDERED MILITARY ASSISTANCE BY ODC AND PROHIBITED BY LAW. TRAINING AND TECHNICAL ASSISTANCE SOLD IN CONJUNCTION WITH THE A-37 PURCHASE SHOULD ADEQUATELY SATISFY URUGUAY'S REQUIREMENTS. HOWEVER, IF GOU REQUIRES ADDITIONAL TRAINING ASSISTANCE, IT SHOULD BE ADVISED TO HAVE ITS EMBASSY IN WASHINGTON EXPLORE POSSIBILITIES EITHER THROUGH COMMERCIAL CHANNELS OR FMS CASH SALE FOR A TRAINING PROGRAM.

4. WHEN WE REFER TO QUOTE RESIDUAL RESPONSIBILITIES UNQUOTE, WE MEAN ACTIVITIES WHICH CARRY OUT RESPONSIBILITIES UNDER APPLICABLE U.S. LAW, DOD DIRECTIVES, ETC., RE ADMINISTRATION OF SECURITY ASSISTANCE. OTHER FUNCTIONS WHICH MAY HAVE CUSTOMARILY BEEN REGARDED BY FORMER MILGROUP AS PART OF THEIR NORMAL OPERATIONS, E.G., ADVICE AND TRAINING

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ON NEW EQUIPMENT, ARE NOT INCLUDED IN THAT CATEGORY.

5. AS BACKGROUND FOR ITS DECISIONS WHETHER OR NOT A PARTICULAR ACTIVITY IS COVERED BY KOCH AMENDMENT'S LIMITATIONS, EMBASSY SHOULD ALSO BEAR IN MIND THAT CONGRESS WISHED TO AVOID U.S. IDENTIFICATION WITH GOU THROUGH ACTIVITIES OF OUR MILITARY PROGRAM. OBVIOUSLY, ODC MEMBERS DO NOT HAVE AN EASY TASK AND WILL HAVE TO EXHIBIT EXTRAORDIN-

ARY SENSITIVITY AS THEY ADAPT TO NEW CIRCUMSTANCES.

6. QUESTION WILL ARISE WHETHER, IN LIGHT OF LIMITED FUNCTIONS, ODC STAFFING IS APPROPRIATE. AMBASSADOR WILL WANT TO KEEP STAFFING LEVEL UNDER REVIEW TO ASSURE THAT WE DO NOT MAINTAIN MORE MILITARY PERSONNEL IN URUGUAY THAN ARE NEEDED.

7. REF. C RECEIVED SUBSEQUENT TO PREPARATION OF FOREGOING GUIDANCE. WE HAVE NO PROBLEM WITH MAJORITY OF LISTED FUNCTIONS PROVIDED THEY RELATE DIRECTLY TO PRIOR YEAR FUNDING OR PROGRAMS. COMMENTS ON SPECIFIC ITEMS FOLLOW:

A. 7, 8, AND 9. REPAIR WORK SHOULD BE FACILITATED FOR EQUIPMENT THAT WAS DAMAGED IN SHIPMENT FROM U.S., NOT FOR EQUIPMENT THAT HAS BEEN IN URUGUAYAN INVENTORY FOR SOME TIME.

C. 1. AS MENTIONED IN REF. A, ODC PERSONNEL SHOULD NOT RENDER ASSISTANCE IN NEW FMS PURCHASES BY GOU. SUCH PURCHASES SHOULD BE HANDLED BY URUGUAYAN EMBASSY IN WASHINGTON.

C.2. WE ARE NOT CLEAR WHAT FUNCTIONS ARE INTENDED HERE. AS POINTED OUT, ADVICE TO OR TRAINING OF GOU FORCES WOULD BE CONSIDERED MILITARY ASSISTANCE AND PROHIBITED BY LAW. ODC SHOULD HANDLE GOU QUESTIONS IN LIGHT OF THAT CRITERION. THIS DOES NOT IMPLY OF COURSE THAT ALL DISCUSSIONS AND RELATIONSHIPS WITH URUGUAYAN MILITARY MUST BE CURTAILED. ODC PERSONNEL SHOULD EXERCISE DISCRETION ON CASE-BY-CASE BASIS.

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D. ADD 3 AND 4 PER REF. D:

3. RECEIVE, REVIEW, VALIDATE, AND MAINTAIN ANNUAL REPORTS FROM HC ON STATUS AND UTILIZATION OF GRANT AID FURNISHED MATERIEL AS REQUESTED BY LAW AND THE MILITARY ASSISTANCE AND SALES MANUAL (MASM). (CURRENT WAIVER FOR ARMY AND AIR FORCE REPORTS IS ONLY TEMPORARY IN NATURE AND SHOULD BE REINSTITUTED AS SOON AS POSSIBLE.)

4. INSPECT MATERIEL DECLARED EXCESS BY THE HC IN ORDER TO DETERMINE CONDITION AND/OR LEVEL OF DEMILITARIZATION PRIOR TO DISPOSAL AS DIRECTED BY THE MILITARY ASSISTANCE AND SALES MANUAL.

E., F., AND G. ODC SHOULD NOT ACCEPT NEW PURCHASE ORDERS

FOR PUBLICATIONS, TRAINING AIDS OR TRAINING PROGRAM,
WHETHER OR NOT GOU HAS ALREADY ACQUIRED EQUIPMENT FOR
WHICH SUPPORT IS NEEDED.

H. 8. ODC SHOULD NOT ACT AS INTERMEDIARY BETWEEN GOU
AND PRIVATE U.S. COMMERCIAL FIRMS. IF AMBASSADOR BELIEVES
THIS FUNCTION NECESSARY, IT SHOULD BE PERFORMED BY EMBASSY
FOREIGN SERVICE OFFICERS.

8. THIS IS A JOINT STATE/DEFENSE MESSAGE. KISSINGER

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